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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ C.O. (COMM.IPD-TM) 304/2021

MANKIND PHARMA LIMITED

..... Petitioner

Through: Ms. Saumya Bajpai, Advocate.

versus

**RAJINDER SINGH TRADING AS HERBAL HEALTH
SOLUTIONS AND ANR.**

..... Respondents

Through: Mr. Sanchit Bhushan, Advocate for
R-1.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

18.01.2024

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*[The matter has been taken up today as 17th January, 2024 was
a holiday]*

I.A. 1194/2024(joint application under Order XXIII Rule 3A of CPC)

1. This is a joint application on behalf of Petitioner and Respondent No. 1 stating that they have settled their disputes in the present petition.
2. The present petition seeks rectification of Respondent's trademark registration bearing no. 1813413 in Class 5 for the mark "HEALTH UP".
3. During pendency of present petition, parties have amicably and mutually agreed to resolve their disputes as follows:
 - (a) Respondent No. 1 agrees to withdraw cancellation petition filed against Petitioner bearing rectification number 268174 in relation to Petitioner's trademark number 2263313.
 - (b) Petitioner has agreed to withdraw the instant cancellation petition



filed against Respondent No. 1's trademark registration number 1813413.

4. In light of the above settlement, detailed in paragraph nos. 3 and 4 of the application, parties pray for disposal of the present petition.

5. For the foregoing reasons, the application is allowed and disposed of.

6. The parties shall remain bound by the terms and conditions of the settlement as recorded in the instant application.

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7. In light of the order passed in I.A. 1194/2024, the present petition is dismissed as withdrawn.

8. Respondent No. 1, as agreed, shall file the application for withdrawing their rectification application number 268174 within a period of seven days from today. As and when such an application is filed, Registrar of Trade Marks shall process the same within fifteen days thereafter.

SANJEEV NARULA, J

JANUARY 18, 2024

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